Edn. & P. H (1940) Department.

MS. SERIES.

G.O. No. 1238 P. H

Dated 19-3-40.

[Despatch Abstract.]

...ules - Mangalore Municipality - Sri G. Venkatraya Prabhu

Rule 8 - Exemption - Granted as a special case.

LOCAL ADMINISTRATION **DEPARTMENT.**

Received 2-MAR 1940 19 *Registered* 8436 19

Subject.

Rules - Madras District Municipalities Act -
Building Rules - Waiver of Rule 8 - Requested.

ENCLOSURES.
No. 3
Spare copies

Ref. C. No. H3-14047/39

Station Mangalore, *Dated the* 21st February, 1940.

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,
(Designation) Commissioner, Municipal Council,
Mangalore.

To The Secretary to the Government of Madras,
Education & Public Health Department.
Through The Chairman, Municipal Council, Mangalore. Fort St. George, Madras.

Sir,

The Sanitary Inspector of this Municipality reported on 11.9.1939 that one G. Venkatraya Prabhu, the owner of building T.S.No.571-1 & 2 of 9th ward, was reconstructing the said building without obtaining the required license from the Executive Authority of the Municipality. A prosecution notice was accordingly issued to the owner of the building and he applied for license on 18.9.1939. The party had demolished the front wall of the building facing the roadside, from the basement to the roof and fitted up

fitted up two new doors and five windows in place of old and rickety ones. As the work executed by the party - amounted to reconstruction and as the required 4 ft. space had not been left from the street alignment license - applied for was refused.

2. A combined provisional and demolition order dated 10.11.1939 under Sec.216(1) & (2) of the Act requiring the party to demolish the portion of the building reconstructed inspite of refusal of license was then issued and the party in reply represented that he had not reconstructed any part of the building but had only replaced old doors and windows with new ones and that the work carried out did not amount to reconstruction. This representation of the party was accodingly placed before the Council to decide whether the work carried out by the party amounted to reconstruction or is only an act of necessary repair. The Council in its Res.No.54 dated 4.12.1939 (copy enclosed) referred the matter to a Committee. The Committee in its report (copy enclosed) arrived at the decision that the - work carried out by the party amounted to reconstruction - but recommended the grant of license for the reasons that the building under reference is an existing one and, further still, it is in a line with the other existing buildings which are not 4 ft. removed from the street alignment. This recommendation was made subject to the approval of Government and also subject to the condition that the party agrees to execute a registered bond in favour of the Council to remove unconditionally the portion of the building standing on the 4 ft. space whenever called upon by the Municipality to do so. The Council in its Resolution No. 72 dated 5.2.1940 (copy enclosed) has accepted the - report of

9814
- 9 MAR 1940
Cno 941

12 MAR 1940

report of the Committee.

As Government in their order No.1971-Edcn. & P. H., Dept. dated 30th May, 1938, have expressed that they are prepared to consider individual cases deserving relaxation of the building rules, it is prayed that the breach of Rule 8 of the Building Rules may be condoned in this case and that Government may be pleased to - allow the above structure to stand over on the party's executing a registered bond in favour of the Council.

Commissioner, M. M.
23/2/40

Forwarded:

Chairman, M. C.

D. T. P. No. 648/40
11. 3. 40.

CMS/23.2.40

Resubmitted
The building in question may be exempted from the operation of rule 8 of the building rules subject to the condition proposed by the council.

To Ex officio D. T. P.
The Director of Town Planning.

Rome
7/3.

Edn. & P. H. Department.

Endorsement:- 8436-1 F(P.H.) Dt. 6. 3. 1940.

Referred to the Director of Town Planning for remarks.

(By Order)

S. R. Kanwar
6. 3. 40
under Secretary to Govt.

4/3

Extract from the proceedings of the Mangalore Municipal Council dated the 4th December, 1939.

.....

Present.

X X X

Read application dated 13th October, 1939, from Sri G. Venkatraya Prabhu, Merchant, Mangalore, to repair the building in T.S.No.571-1 & 2 of 9th ward and the Commissioner's note requesting the Council to decide if the work is an act of necessary repair.

Res.No.54

Referred to a comittee consisting of Messrs. R. B. C. D. Andrade, Pandit Gajanana Rao, A. Moosabba Saheb and P. Panduranga Bhandary for early report.

(Sd.) B. Venkatarao Baliga,
Chairman, M. C.

/ True Extract /

Municipal Office, Mangalore,)
Dated the 21st February,1940)

Commissioner, M.M.

CMS/23.2.40

We have inspected the building in question today and we find that the building needed repairs as it was a very old building. The present repairs as done by the owner can be taken as reconstruction in as much as the front portion has been demolished, the floor level lowered and there being alterations of dimensions of the rooms on ground floor and upstairs.

The original foundation and the roof still remains untouched. We will be doing injustice to the party if we insist the 4 ft. rule only for this particular building when all the other buildings which are in continuation of this building have not been built leaving the 4 ft. margin. So this action of the party may be condoned provided the party executes the usual bond, subject to the sanction of the Government. The license applied for may be granted.

(Sd.) R.B.C.D.Andrade,
20.1.40
" Gajanana Rau Pandit.
" P. Panduranga Bhandary.

I could not join my colleagues when they inspected the building on 20.1.40. I however inspected a little later the same day with the S.I. I understand that the entire front portion downstairs was covered by two wooden doorways and they were removed and replaced with the present new ones. There was therefore no reconstruction of the outer wall as there was no wall originally. Hence in my opinion this cannot be called reconstruction.

The front wall of the upstairs portion appears to have been rebuilt providing with 5 new windows. As this portion of the wall is far beyond 10 ft. from the ground level, this also cannot be called reconstruction.

A portion of the partition wall within the upstairs has been rebuilt but this does not amount even to one-

tenth of the entire construction. No other alterations are made to the building except plastering the old walls both in the downstairs and upstairs.

I am therefore of opinion that the party has made only necessary repairs and alterations and these do not amount to reconstruction and hence the 4 ft. rule will not apply to this case.

(Sd.) A. Moosabba Sahib, M.C.,
23.1.1940

/ True Extract /

Municipal Office, Mangalore)
21st February, 1 9 4 0)

Commissioner, M.M.
23/2/40

CMS/23.2.40

Extract from the proceedings of the Mangalore Municipal Council dated the 15th February, 1940.

Present.

X X X

Report of the Committee appointed as per Council Res.No.54 dated 4.12.1939 on the application of Sri G. Venkatraya Prabhu for the repair of the building in T.S.No.571-1 & 2 of 9th ward.

Res.No.72.

Committee's report is accepted.

Sd/ B. Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore,)
Dated the 21st February,1940)

Commissioner, M.M.

23/2/40

CMS/23.2.40

4F/29/3

C.F.17.
E & P.H.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying --		
When copied ..	29/3	TON
When examined..	29/3	
When signed ..		
When despatched.		

SUBJECT:—

Building - Rules - Mangalore ~~Mcty~~ Municipality - Sri. G. Venkatraya Prabhu — Rule 8 - Exemption - Granted as a special case.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

P1-3.f. C. No. 8436 From the Commr., Mangalore Mlty. (Rfc.) No. H3-1404/39 dated 21.2. 1940.

P 2 ref. " 9844 " D.T.P. " 642/40 " 11.3. 1940.

" _____ " D.T.P. " _____ " _____ 19____.

Order ~~Resolution~~ Ms. ~~Rout.~~ No. 1238 P.H. dated 29 — 3 — 1940.

DM

B/No 104

Not Mcty.

Under rule 108-A of the Building Rules issued with G.O.No. 1621 P.H. dated 30-7-1932 (as subsequently amended) H.E. the Governor of Madras is hereby pleased to exempt, as a special case (reconstruction of the front wall of the) the building belonging to Sri G. Venkatraya Prabhu in T.S. No. 571-1&2 of 9th Ward, Mangalore Mcty. from the operation of rule 8 of the building rules, subject to the condition that the party agrees to execute a registered bond in favour of the Mangalore M.C.C. to remove unconditionally the portion of the building standing on the Four feet front space whenever called upon by the Mcty. to do so.

To the Commr., Mangalore Mcty thro' the C.M.C. (with files ~~returned~~.)

To the D.T.P.

Dpt. by Va. Post Messenger

Dpr.'s initials. 1/4

Date 1/4

SRy 28/3/40

Jm 29/3/40

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